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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/538,550	03/29/2000	Andrew Walker	CS1075#SP	6538

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Bruce S Shapiro TW199
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The Black & Decker Corporation
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EXAMINER

TALBOT, MICHAEL

ART UNIT	PAPER NUMBER
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3722

DATE MAILED: 03/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/538,550

Applicant(s)

WALKER, ANDREW

Examiner

Michael W. Talbot

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in the United Kingdom on 31 March 1999. It is noted, however, that applicant has not filed a certified copy of the 9907463.5 application as required by 35 U.S.C. 119(b).

Oath/Declaration

2. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because it has not be duly executed with an inventor's signature and the date of execution.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "thrust bearing" recited in claim 15 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an

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application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The disclosure is objected to because of the following informalities:

Refer to page 6, line 5, the first occurrence of the character reference "collet member 26" should include in parentheses a figure reference, such as Figure 1, to eliminate confusion because Figure 1 is where the collet member 26 is shown, not Figures 6 and 7, as indicated by the text starting on page 5, line 3. Therefore, the first occurrence of the character reference "collet member 26" should be changed to read --collet member 26 (shown in Figure 1)--.

Refer to page 9, line 4, a space should be used to separate the text "32in" so as to read --32 in--.

Several character references cited in the claims are incorrectly noted. Please review the claims in their entirety and make the appropriate corrections. For example, claim 1, line 4, character reference "axial bore (40)" should be changed to read --axial bore (4)--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claim 1 recites the limitation "the walls" in line 10. There is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites the limitation "the longitudinal axis" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites the limitation "the walls" in line 11. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1 and 3-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Thomas '006. Thomas '006 shows in Figures 1-5 a chuck (10) comprising a cylindrical member (11) having a central axial bore (12) and a plurality of further bores (16) slanted with respect to the axis of the cylindrical member, a plurality of jaws (17) associated with a respective one of the further bores and moveable there within and a jaw actuator (22) having a plurality of slots (24) coupled with each of the plurality of jaws (via 26,27) for moving the jaws within their respective further bores wherein movement of jaw actuator in a direction along the axis of the cylindrical member causes concomitant movement of the jaws within their respective slots in a radial direction with respect to the axis of the cylindrical member (col. 2, lines 27-47). Thomas '006 shows the chuck characterized in that no one component part rotates relative to any other component part thereof prior to and/or following the chucking operation. Thomas '006 shows the jaws radially converge or diverge within the central axial bore of the cylindrical member (Figs. 1,4,5) and wherein the converging jaws meet each other beyond the confines of the

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cylindrical member (Fig. 1). Thomas '006 shows the converging movement of the jaws is concomitant with radial movement of each jaw within its respective slot.

With regards to claim 1, the Examiner's broadest reasonable interpretation of the phrase "the chuck characterized in that no one component part rotates relative to any other component part thereof" is that the chuck component parts in question are only those presented within claim 1 and that the non-rotation relative to the component parts can take place not only during the chucking operation but also prior to and/or following the chucking operation.

9. Claims 1 and 3-5 are rejected under 35 U.S.C. 102(b) as being anticipated by GB 2199776. GB 2199776 shows in Figures 1-3 a chuck comprising a cylindrical member (10) having a central axial bore (12) and a plurality of further bores (14) slanted with respect to the axis of the cylindrical member, a plurality of jaws (16) associated with a respective one of the further bores and moveable there within and a jaw actuator (40) having a plurality of slots (42) coupled with each of the plurality of jaws (via 44) for moving the jaws within their respective further bores wherein movement of jaw actuator in a direction along the axis of the cylindrical member causes concomitant movement of the jaws within their respective slots in a radial direction with respect to the axis of the cylindrical member (page 6, line 16 through page 7, line 8). GB 2199776 shows the chuck characterized in that no one component part rotates relative to any other component part thereof not only during but prior to and/or following the chucking operation (page 6, line 16-23). GB 2199776 shows the jaws radially converge or diverge within the central axial bore of the cylindrical member (Figs. 1,2) and wherein the converging jaws meet each other beyond the confines of the cylindrical member (Fig. 1). GB 2199776 shows the converging movement of the jaws is concomitant with radial movement of each jaw within its respective slot.

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With regards to claim 1, the Examiner's broadest reasonable interpretation of the phrase "the chuck characterized in that no one component part rotates relative to any other component part thereof" is that the chuck component parts in question are only those presented within claim 1 and that the non-rotation relative to the component parts can take place not only during the chucking operation but also prior to and/or following the chucking operation.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schliep '732 in view of Thomas '006. Schliep '732 shows in Figures 1-5 a chuck comprising a cylindrical member (10), including a head (12) and a shaft (14), having a central axial bore (18) and a plurality of further bores (34) slanted with respect to the axis of the cylindrical member (col. 3, lines 36-41), a plurality of jaws (32) associated with a respective one of the further bores and moveable there within, a jaw actuator (46) having a plurality of slots (56) coupled with each of the plurality of jaws (via 50,54) for moving the jaws within their respective further bores wherein movement of jaw actuator in a direction along the axis of the cylindrical member (col. 3, line 59-68) causes concomitant movement of the jaws within their respective slots in a radial direction with respect to the axis of the cylindrical member (col. 4, lines 1-14 and 54-68), and a thrust plate (40) coupled to the jaw actuator (via tongue 48 and groove 44 connection) moveable along a longitudinal axis to apply movement force to the jaw actuator. Schliep '732 shows the chuck characterized in that no one component part rotates relative to any other component part thereof (jaw actuator (46) is carried by the adjustable nut (40) through a tongue (48) and groove

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(44) connection allowing the jaw actuator to move/translate without rotation). Schliep '732 shows the jaw actuator being concentrically mounted about the cylindrical member. Schliep '732 shows the jaws radially converge or diverge within the central axial bore of the cylindrical member (Fig. 3) and wherein the converging jaws meet each other beyond the confines of the cylindrical member (Fig. 5). Schliep '732 shows the converging movement of the jaws is concomitant with radial movement of each jaw within its respective slot (col. 4, lines 1-14).

Schliep '732 lacks the jaw actuator having a conical shaped flange. Thomas '006 shows in Figures 1 and 5 a jaw actuator (22) having a conical flange (23). In view of the teaching of Thomas '006, it would have been obvious to one of ordinary skill in the art to modify the jaw actuator of Schliep '732 to include a conical shaped flange as taught by Thomas '006 to provide a more compact design and to limit wear between the jaw actuator and the jaw connection pins by reducing friction and heat generation.

With regards to claim 1, the Examiner's broadest reasonable interpretation of the phrase "the chuck characterized in that no one component part rotates relative to any other component part thereof" is that the chuck component parts in question are only those presented within claim 1 and that the non-rotation relative to the component parts can take place not only during the chucking operation but also prior to and/or following the chucking operation.

With regards to claim 6, the Examiner's broadest reasonable interpretation of the phrase "said thrust plate constrained against rotational movement about the longitudinal axis" is that the non-rotation of the thrust plate can take place not only during the chucking operation but also prior to and/or following the chucking operation.

12. In the alternative, if it is argued, Schliep '732 does not disclose expressly that the jaw actuator is conical in shape. Instead, Schliep '732 is silent to the shape of the jaw actuator, although the figures indicate a plane shape. At the time of the invention was made, it would

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have been an obvious matter of design choice to a person of ordinary skill in the art to select "the jaw actuator having a conical shape" because Applicant has not disclosed that the "conical shape" provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected the chuck of Schliep '732, and Applicant's chuck to perform equally well with either the "jaw actuator having a plane shape" taught by Schliep '732 or the claimed "jaw actuator having a conical shape" because both constructions would provide the jaws with a direct link so as to move the jaws within the respective further bores while permitting radial movement within the respective slots of the jaw actuator regardless of the shape.

Furthermore, Applicant does not provide any criticality or unexpected results for the "jaw actuator having a conical shape" as recited in claim 1.

Allowable Subject Matter

13. Claims 12-15 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

14. Any inquiry concerning the content of this communication from the examiner should be directed to Michael W. Talbot, whose telephone number is 571-272-4481. The examiner's office hours are typically 8:30am until 5:00pm, Monday through Friday. The examiner's supervisor, Mr. Boyer D. Ashley, may be reached at 571-272-4502.

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In order to reduce pendency and avoid potential delays, group 3720 is encouraging FAXing of responses to Office Actions directly into the Group at FAX number 571-273-8300.

This practice may be used for filing papers not requiring a fee. It may also be used for filing papers, which require a fee, by applicants who authorize charges to a USPTO deposit account.

Please identify Examiner Michael W. Talbot of Art Unit 3722 at the top of your cover sheet.



MWT
Examiner
14 March 2006



BOYER D. ASHLEY
SUPERVISORY PATENT EXAMINER